

REMARKS

Claims 1-58 have been cancelled, and new claims 59-72 have been added and are pending in this application. Support for the subject matter of the new claims is found in the application at least at pages 15 (e.g., lines 10-32), 16, 18 (e.g., lines 1-14), 20 (e.g., lines 25-30), 30 (e.g., lines 24-31), 31 (e.g., lines 1-2), and 33 (e.g., lines 7-14). No new matter has been added. Claims 2-24 had been cancelled prior to mailing of the instant Office action and therefore were not addressed by the Office action.

Claims 1 and 25-58 were rejected on the grounds of an obviousness-type, non-statutory double patenting rejection as being unpatentable over claims 1-3 of U.S. Patent # 6,335,933 issued to Mallory ("Mallory").

Claims 27, 28, 32, 34, 36, 41, 46, 50, 52, and 58 were rejected on the grounds of an obviousness-type, non-statutory double patenting rejection as being unpatentable over claim 1 of Mallory in view of Halsall, Fred "Data Communication, Computer Networks and Open Systems", 1996; pages 189-207; 4.3 Continuous RQ; Fourth Edition; ISBN 0-201-42293-X; Addison-Wesley Publishing Company. ("Halsall").

Claim 29 was rejected on the grounds of an obviousness-type, non-statutory double patenting rejection as being unpatentable over claim 1 of Mallory in view of U.S. Patent # 6,567,388 issued to Tomick.

Claims 30, 31, 33, 47, 48, and 51 were rejected on the grounds of an obviousness-type, non-statutory double patenting rejection as being unpatentable over claim 1 of Mallory in view of U.S. Patent # 6,636,230 issued to Marturano.

Claims 38 and 55 were rejected on the grounds of an obviousness-type, non-statutory double patenting rejection as being unpatentable over claim 1 of Mallory in view of U.S. Patent # 5,790,551 issued to Chan. Claim 38 was rejected on the grounds of obviousness-type, non-statutory double patenting as being unpatentable over Halsall in view of Chan.

The rejection to claims 1 and 25-58 is rendered moot in view of cancellation of these claims.

New claim 59 recites "...determining a period of inactivity that exceeds a threshold during which no further frames are sent from the send station to the receive station," and

“sending, in response to the determining, a reminder frame to the receive station identifying a last frame transmitted from the send station to the receive station.” Page 7 of the Office Action asserts that:

Regarding claim 27, Halsall discloses a step of sending a reminder frame from the sender to the receiver as recited in the claim. (FIG. 4.14).

However, Halsall does not disclose or suggest a reminder frame, much less “sending, in response to the determining, a reminder frame to the receive station identifying a last frame transmitted from the send station to the receive station,” as recited in claim 59.

New claim 68 recites “...storing a copy of the frame in a transmit buffer at the send station,” and “discarding the copy of the frame if a resource constraint at the send station is met.” Page 7 of the Office Action asserts that:

Halsall further discloses that the sender releases (re-transmitted) the retained copy of the transmitted frame when an ACK is not received within a predetermined time (a storage constraint is reached). See page 197, lines 2-8.

However, Halsall does not disclose or suggest “discarding the copy of the frame if a resource constraint at the send station is met” as recited in claim 68. Rather, Halsall discloses retransmitting the frame if an acknowledgement is not received before a timeout. The timeout in Halsall, noted on page 7 of the Office Action, is believed to be a retransmission timer or timeout (where an unacknowledged frame is retransmitted after expiration of the retransmission timer), and is not believed to be related to a resource constraint. Below is a copy of the cited text from Halsall (page 197, lines 2-8):

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otherwise unacceptably long delays are experienced while S waits for the next I-frame to be transmitted.

To allow for this, P normally employs an additional timeout mechanism similar to the one outlined for the idle RQ control scheme. A number of schemes are possible, but the one selected in the earlier protocol definitions assumes a separate timer is started each time an I-frame is transmitted by P, and is stopped (reset) when an acknowledgment indicating its correct receipt is received. If an acknowledgment for a frame is not received before its timeout interval expires, the frame is retransmitted. This is shown in Figure 4.15.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (703-286-5303) to facilitate prosecution of this application.

Enclosed is authorization for a credit card charge of \$450 to cover the cost of a two-month extension of time. No other fees are believed to be due at this time. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521, referencing Attorney Docket No. 0033-014002.

Respectfully submitted,

Brake Hughes PLC
Customer Number 57246
703-286-5303

Date August 28, 2006

By R. Edward Brake
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Reg. No. 37,784

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 28th day of August, 2006.

Shellie Bailey

Shellie Bailey
Signature